

Appl. Serial No. 10/688,489
Response dated Mar. 15, 2005
Reply to Office Action of Dec. 16, 2004

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

The Examiner has required that Applicant elect for initial prosecution an invention defined by one of the following six groups of claims:

- I. **Claims 1-17**, drawn to probes for detecting a nucleic acid, comprising fragments of SEQ ID NO:101;
- II. **Claim 18-30**, drawn to primer pairs for amplification of a nucleic acid, the first primer being a fragment of SEQ ID NO:73, and the second being a fragment of SEQ ID NO:59;
- III. **Claims 31-44**, drawn to probes for detecting a nucleic acid, comprising fragments of SEQ ID NO:99;
- IV. **Claim 45-54**, drawn to primer pairs for amplification of a nucleic acid, the first primer being a fragment of SEQ ID NO:52, and the second being a fragment of SEQ ID NO:41;
- V. **Claims 55-67**, drawn to probes for detecting a nucleic acid, comprising fragments of SEQ ID NO:95; and
- VI. **Claims 68-82**, drawn to primer pairs for amplification of a nucleic acid, the first primer being a fragment of SEQ ID NO:16, and the second being a fragment of SEQ ID NO:1.

Applicant hereby elects Group II, Claims 18-30 for initial prosecution. In response to the requirement for an Election of Species, Applicant hereby elects SEQ ID NO:75 as a fragment of SEQ ID NO:73, and SEQ ID NO:64 as a fragment of SEQ ID NO:59. Claims readable on these elections are reflected in the below-presented Listing of Claims which will remain pending following entry of this Response.

Non-elected Claims 1-17 and 31-82 have been canceled from the Application by Preliminary Amendment, hereinbelow.

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AMENDMENTS TO THE CLAIMS

Preliminary to examination on the merits, please amend the above-captioned application in accordance with the following Listing of Claims. This Listing will replace all prior versions, and Listings, of claims in the Application.

Listing of Claims:

1-17 (Canceled)

18. (Original) A kit for amplifying a target nucleic acid sequence that may be present in a biological sample, comprising:

a first primer that comprises a 3' terminal target-complementary sequence and optionally a first primer upstream sequence that is not complementary to said target nucleic acid sequence that is to be amplified, said 3' terminal target-complementary sequence of said first primer comprising 22 contiguous bases contained within SEQ ID NO:73, allowing for the presence of RNA and DNA equivalents, nucleotide analogs and up to 10% base differences; and

a second primer that comprises a 3' terminal target-complementary sequence and optionally a second primer upstream sequence that is not complementary to said target nucleic acid sequence that is to be amplified, said 3' terminal target-complementary sequence of said second primer comprising 18 contiguous bases contained within SEQ ID NO:59, allowing for the presence of RNA and DNA equivalents, nucleotide analogs and up to 10% base differences.

19. (Original) The kit of Claim 18, wherein said first primer and said second primer are each up to 60 bases in length.

20. (Original) The kit of Claim 18, wherein said 3' terminal target-complementary sequence of said first primer and said 3' terminal target-complementary sequence of said second primer are each up to 35 bases in length.

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21. **(Original)** The kit of Claim 20, wherein said 3' terminal target-complementary sequence of said first primer is up to 24 bases in length.

22. **(Original)** The kit of Claim 20, wherein said 3' terminal target-complementary sequence of said second primer is up to 22 bases in length.

23. **(Original)** The kit of Claim 21, wherein said 3' terminal target-complementary sequence of said second primer is up to 22 bases in length.

24. **(Original)** The kit of Claim 23, wherein said first primer comprises said first primer upstream sequence.

25. **(Original)** The kit of Claim 24, wherein said first primer upstream sequence comprises a promoter sequence for T7 RNA polymerase.

26. **(Original)** The kit of Claim 23, wherein said 3' terminal target-complementary sequence of said first primer is selected from the group consisting of SEQ ID NO:75, SEQ ID NO:76 and SEQ ID NO:77, and wherein said 3' terminal target-complementary sequence of said second primer is selected from the group consisting of SEQ ID NO:60, SEQ ID NO:62, SEQ ID NO:63, SEQ ID NO:64, SEQ ID NO:65, SEQ ID NO:66, SEQ ID NO:67, SEQ ID NO:68, SEQ ID NO:69, SEQ ID NO:70 and SEQ ID NO:71.

27. **(Original)** The kit of Claim 21, wherein said 3' terminal target-complementary sequence of said first primer comprises 22 contiguous bases contained within SEQ ID NO:74, allowing for the presence of RNA and DNA equivalents, nucleotide analogs and up to 10% base differences.

28. **(Original)** The kit of Claim 27, wherein said 3' terminal target-complementary sequence of said second primer is up to 22 bases in length.

29. **(Original)** The kit of Claim 27, wherein said first primer comprises said first primer upstream sequence.

30. **(Original)** The kit of Claim 29, wherein said first primer upstream sequence comprises a promoter sequence for T7 RNA polymerase.

31-82 **(Canceled)**